

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-71 remain in the application. Claims 1, 15, 29, 43, and 57 have been amended.

Initially, it is noted that the Examiner has stated in numerous places in the Office action that no weight was given to functional language when determining the patentability of the claims. Functional language is proper when it is the best way to describe the structure of an element or the relationship among elements. A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used. MPEP 2173.05(g). The Examiner's consideration of all the limitations of claims in determining the patentability is therefore requested.

In item 2 on page 2 of the above-mentioned Office action, claims 1-2 have been rejected as being anticipated by Moser et al. (US Pat. No. 5,575,212) under 35 U.S.C. § 102(b).

In item 6 on page 4 of the above-mentioned Office action, claims 1-2 and 43-44 have been rejected as being anticipated

by Beisel et al. (US Pat. No. 5,537,926) under 35 U.S.C. § 102(b).

The rejections have been noted and claims 1 and 43 have been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found on page 1, line 23, page 13, lines 9-11, and page 15, line 25 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 43 call for, inter alia:

an accessory selected from the group consisting of an imaging device, an ink-jet unit, an additional varnishing mechanism, a dryer, and a measuring device. (Emphasis added.)

Moser et al. disclose an apparatus for feeding a printing plate to a printing machine. However, Moser et al. do not disclose "an accessory selected from the group consisting of an imaging device, an ink-jet unit, an additional varnishing mechanism, a dryer, and a measuring device" as recited in claim 1 of the instant application.

The reference Beisel et al. is owned by the corporate assignee of the instant application and Applicants are therefore very familiar with this reference.

Beisel et al. disclose a printing-plate magazine for printing machine. However, Beisel et al. do not disclose "an accessory selected from the group consisting of an imaging device, an ink-jet unit, an additional varnishing mechanism, a dryer, and a measuring device" as recited in claim 1 of the instant application.

Claims 1 and 43 are, therefore, believed to be patentable over Moser et al. and Beisel et al. and since claims 2 and 44 are dependent on claims 1 and 43 respectively, they are believed to be patentable as well.

In item 3 on pages 2-3 of the above-mentioned Office action, claim 15 has been rejected as being anticipated by Döbler (US Pat. No. 5,421,260) under 35 U.S.C. § 102(b).

In item 4 on page 3 of the above-mentioned Office action, claims 15-16 have been rejected as being anticipated by Spiegel et al. (US Pat. No. 5,289,775) under 35 U.S.C. § 102(b).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references. However, the language of claim 15 has been amended to even more clearly define the invention of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 15 calls for, inter alia:

an accessory;

a connection mechanism moveably fastening said accessory to the printing unit, said connection mechanism having a first pivot axis and a second pivot axis, said first pivot axis and said second pivot axis disposed outside of the printing unit and disposed substantially parallel to a rotation axis of the printing unit, said second pivot axis disposed above the printing unit; and

said connection mechanism:

pivoting said accessory away from the printing unit about said first pivot axis then allowing further pivoting of said accessory about said second pivot axis; and

throwing said accessory onto the printing unit into a working position and removing said accessory from a region of the printing unit into at least one maintenance position.

Initially, it is noted that Döbler does not relate to an accessory, but relate to an adjusting device.

Further, in Döbler the rotation of the toothed quadrant 8 relates to a twisting of an eccentric bush 4 and the toothed quadrant 8 remains in a tooth engagement with the opposite toothed quadrant 5. This means that no turning aside as in the invention of the instant application will result from the device of Döbler. In contrast, in the invention of the instant application, the accessory pivots away from the printing unit (2) about the first axis (28) and then further pivots about the second axis (29) in order to move from a working position (3) to at least one of maintenance positions (4, 5) (see Fig. 5). The elements 4, 5, 8 in Döbler, as identified by the Examiner as an accessory, do not constitute an accessory in the sense of the invention of the instant application.

The reference Spiegel et al. is owned by the corporate assignee of the instant application and Applicants are therefore very familiar with this reference.

In Spiegel et al., the magazine 1 is only pivotable about the axis 3. The end of the cylinder 14, identified by the Examiner as the second pivot axis, is the fix point of the cylinder 14, through which the rotation of the magazine can be achieved. The upper end of the cylinder 14 is attached to the

displaceable rail 8, which is only movable in the vertical direction, but is not pivotable.

Claim 15 is, therefore, believed to be patentable over Döbler and Spiegel et al. and since claim 16 is dependent on claim 15, it is believed to be patentable as well.

In item 5 on pages 3-4 of the above-mentioned Office action, claims 29-30, 32-33, 35, 37-38, and 40 have been rejected as being anticipated by Gansky et al. (US Pat. No. 4,934,264) under 35 U.S.C. § 102(b).

The rejection has been noted and claim 29 has been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found in Figs. 6a-6b and the corresponding descriptions in the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 29 calls for, inter alia:

an accessory having a guide executed along the width of the printing unit, said accessory having a head displaceable along said guide, said accessory being selected from the group consisting of an imaging device,

an ink-jet unit, an additional varnishing mechanism, a dryer, and a measuring device;

a connection mechanism moveably fastening said accessory to the printing unit, said connection mechanism having a pivot axis at one end of said guide, said pivot axis disposed substantially perpendicular to the rotation axis of the printing unit, said connection mechanism pivoting said accessory about said pivot axis for moving said accessory from a working position into at least one maintenance position. (Emphasis added.)

The main difference between the invention of the instant application and Gansky et al. is that in Gansky et al. there is first a linear movement in the vertical direction and then the pivoting whereas in the invention of the instant application there is first a linear movement in the horizontal direction and then the pivoting. There is not any horizontal movement in Gansky et al.

In the embodiment as shown in Figs. 6a-6b of the instant application, the accessory is linearly moved on a cross guide, which is disposed parallel to the cylinder axis. The pivoting takes place at one end position of the cross guide (it does not matter whether at the right or left) in order to ensure the access to the cylinder or the printing unit.

Clearly, Gansky et al. do not show "an accessory having a guide executed along the width of the printing unit, said

accessory having a head displaceable along said guide", as
recited in claim 29 of the instant application.

Claim 29 is, therefore, believed to be patentable over Gansky et al. and since claims 30, 32-33, 35, 37-38, and 40 are ultimately dependent on claim 29, they are believed to be patentable as well.

In item 7 on page 5 of the above-mentioned Office action, claims 57-59, 61-62, and 66-67 have been rejected as being anticipated by Rudewitz et al. (US Pat. No. 6,142,072) under 35 U.S.C. § 102(b).

The reference Rudewitz et al. is owned by the corporate assignee of the instant application and Applicants are therefore very familiar with this reference.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 57 calls for, inter alia:

an accessory to be accommodated in the recess. (Emphasis added.)

According to claim 57 of the instant application, the accessory is moved into a recess formed in the side wall of the printing machine when it is in a maintenance position. Rudewitz et al. do not disclose pivoting the accessory into a recess in order to provide the printer with access to the printing unit.

Clearly, Rudewitz et al. do not disclose "an accessory to be accommodated in the recess", as recited in claim 57 of the instant application.

Claim 57 is, therefore, believed to be patentable over Rudewitz et al. and since claims 58-59, 61-62, and 66-67 are ultimately dependent on claim 57, they are believed to be patentable as well.

In item 9 on page 6 of the above-mentioned Office action, claims 4-5 and 9-10 have been rejected as being unpatentable over Moser et al. in view of Rudewitz et al. under 35 U.S.C. § 103(a).

As discussed above, claim 1 is believed to be patentable over the art. Since claims 4-5 and 9-10 are ultimately dependent on claim 1, they are believed to be patentable as well.

In item 10 on page 6 of the above-mentioned Office action, claims 4, 6-7, 9, and 11-12 have been rejected as being unpatentable over Moser et al. in view of Haramia et al. (US Pat. No. 3,611,923) under 35 U.S.C. § 103(a).

As discussed above, claim 1 is believed to be patentable over the art. Since claims 4, 6-7, 9, and 11-12 are ultimately dependent on claim 1, they are believed to be patentable as well.

In item 11 on page 7 of the above-mentioned Office action, claim 14 has been rejected as being unpatentable over Moser et al. in view of Schwarzbeck (US Pat. No. 4,572,069) under 35 U.S.C. § 103(a).

As discussed above, claim 1 is believed to be patentable over the art. Since claim 14 is dependent on claim 1, it is believed to be patentable as well.

In item 12 on page 7 of the above-mentioned Office action, claims 18-19 and 23-24 have been rejected as being

unpatentable over Spiegel et al. in view of Rudewitz et al.
under 35 U.S.C. § 103(a).

As discussed above, claim 15 is believed to be patentable over
the art. Since claims 18-19 and 23-24 are ultimately
dependent on claim 15, they are believed to be patentable as
well.

In item 13 on pages 7-8 of the above-mentioned Office action,
claims 18, 20-21, 23 and 25-26 have been rejected as being
unpatentable over Spiegel et al. in view of Haramia et al.
under 35 U.S.C. § 103(a).

As discussed above, claim 15 is believed to be patentable over
the art. Since claims 18, 20-21, 23 and 25-26 are ultimately
dependent on claim 15, they are believed to be patentable as
well.

In item 14 on page 8 of the above-mentioned Office action,
claim 28 has been rejected as being unpatentable over Spiegel
et al. in view of Schwarzbeck under 35 U.S.C. § 103(a).

As discussed above, claim 15 is believed to be patentable over
the art. Since claim 28 is dependent on claim 1, it is
believed to be patentable as well.

In item 15 on pages 8-9 of the above-mentioned Office action, claims 34 and 39 have been rejected as being unpatentable over Gansky et al. in view of Haramia et al. under 35 U.S.C. § 103(a).

As discussed above, claim 29 is believed to be patentable over the art. Since claims 34 and 39 are ultimately dependent on claim 29, they are believed to be patentable as well.

In item 16 on page 9 of the above-mentioned Office action, claims 29, 32-33, 36-38, and 41 have been rejected as being unpatentable over McKillip (US Pat. No. 6,182,572) in view of Bierbaum et al. (US Pat. No. 5,562,038) under 35 U.S.C. § 103(a).

The rejection has been noted and claim 29 has been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found on page 1, line 23, page 13, lines 9-11, and page 15, line 25 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 29 calls for, inter alia:

an accessory having a guide executed along the width of the printing unit, said accessory having a head displaceable along said guide, said accessory being selected from the group consisting of an imaging device, an ink-jet unit, an additional varnishing mechanism, a dryer, and a measuring device. (Emphasis added.)

McKillip as well as Bierbaum et al. pertain to a device for unwinding paper rolls, which do not have any relation to the accessory as described in the invention of the instant application. Therefore, neither McKillip nor Bierbaum et al. disclose "said accessory being selected from the group consisting of an imaging device, an ink-jet unit, an additional varnishing mechanism, a dryer, and a measuring device" as recited in claim 29 of the instant application.

Claim 29 is, therefore, believed to be patentable over McKillip in view of Bierbaum et al. and since claims 32-33, 36-38, and 41 are ultimately dependent on claim 29, they are believed to be patentable as well.

In item 17 on pages 9-10 of the above-mentioned Office action, claim 42 has been rejected as being unpatentable over Gansky et al. in view of Schwarzbeck under 35 U.S.C. § 103(a).

As discussed above, claim 29 is believed to be patentable over the art. Since claim 42 is dependent on claim 29, it is believed to be patentable as well.

In item 18 on page 10 of the above-mentioned Office action, claims 46-47 and 51-52 have been rejected as being unpatentable over Beisel et al. in view of Rudewitz et al. under 35 U.S.C. § 103(a).

As discussed above, claim 43 is believed to be patentable over the art. Since claims 46-47 and 51-52 are ultimately dependent on claim 43, they are believed to be patentable as well.

In item 19 on pages 10-11 of the above-mentioned Office action, claims 48-49, 51, and 53-54 have been rejected as being unpatentable over Beisel et al. in view of Haramia et al. under 35 U.S.C. § 103(a).

As discussed above, claim 43 is believed to be patentable over the art. Since claims 48-49, 51, and 53-54 are ultimately dependent on claim 43, they are believed to be patentable as well.

In item 20 on pages 11 of the above-mentioned Office action, claim 56 has been rejected as being unpatentable over Moser et al. in view of Schwarzbeck under 35 U.S.C. § 103(a).

As discussed above, claim 43 is believed to be patentable over the art. Since claim 56 is ultimately dependent on claim 43, it is believed to be patentable as well.

In item 21 on pages 11-12 of the above-mentioned Office action, claims 61, 63-64, 66, and 68-69 have been rejected as being unpatentable over Rudewitz et al. in view of Haramia et al. under 35 U.S.C. § 103(a).

As discussed above, claim 57 is believed to be patentable over the art. Since claims 61, 63-64, 66, and 68-69 are ultimately dependent on claim 57, they are believed to be patentable as well.

In item 22 on page 12 of the above-mentioned Office action, claim 71 has been rejected as being unpatentable over Rudewitz et al. in view of Schwarzbeck under 35 U.S.C. § 103(a).

As discussed above, claim 57 is believed to be patentable over the art. Since claim 71 is dependent on claim 1, it is believed to be patentable as well.

Applicants acknowledge the Examiner's statement in item 23 on page 12 of the above-mentioned Office action that claims 3, 8, 13, 17, 22, 27, 31, 45, 50, 55, 60, 65, and 70 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Since claims 1, 15, 29, and 57 are believed to be patentable as discussed above and claims 3, 8, 13, 17, 22, 27, 31, 45, 50, 55, 60, 65, and 70 are ultimately dependent on claims 1, 15, 29, or 57, they are believed to be patentable in dependent form. A rewrite is therefore believed to be unnecessary at this time.

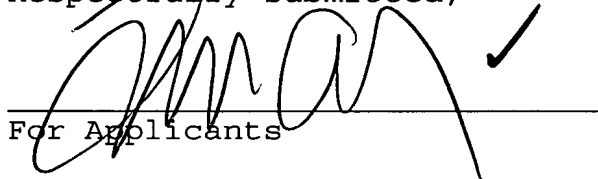
In view of the foregoing, reconsideration and allowance of claims 1-71 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out. In the alternative, the entry of the amendment is requested as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$110.00 in accordance with Section 1.17 is enclosed herewith.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicants

YHC:cgm

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